

477

## REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

February 5, 2001

12:15 p.m.

The Council of the City of Roanoke met in regular session on Monday, February 5, 2001, at 12:15 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members William H. Carder, C. Nelson Harris, W. Alvin Hudson, Jr., William White, Sr., Linda F. Wyatt, William D. Bestpitch and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

COMMITTEES-CITY COUNCIL: A communication from the Honorable Ralph K. Smith, Mayor, requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Harris moved that Council concur in the request to convene in Closed Meeting as above described. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

CITY COUNCIL: A communication from the City Attorney requesting a Closed Meeting to consult with legal counsel on a matter of actual litigation, pursuant to Section 2.1-344 (A)(7), Code of Virginia (1950), as amended, was before the body.

Mr. Harris moved that Council concur in the request to convene in Closed Meeting as above described. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

CITY COUNCIL-CITY EMPLOYEES: A communication from Council Member C. Nelson Harris, Chair, City Council Personnel Committee, requesting a Closed Meeting to discuss the performance of two Council-Appointed Officers, pursuant to Section 2.1-344 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Harris moved that Council concur in the request to convene in Closed Meeting as above described. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

At 12:20 p.m., the Mayor declared the meeting in recess to be reconvened in the Emergency Operations Center Conference Room, Room 159, for a briefing by the City Manager with regard to the I-73 project.

At 12:25 p.m., the meeting reconvened in the Emergency Operations Center Conference Room, Room 159, with all Members of the Council in attendance, with the exception of Council Member White, Mayor Smith presiding.

STATE HIGHWAYS-CARILION BIOMEDICAL INSTITUTE: Robert K. Bengtson, Director of Public Works, introduced Fred C. Altizer, District Administrator, Virginia Department of Transportation; and Chris Lloyd, Planner and Coordinator, Virginia Department of Transportation, for a briefing on the I-73 project.

Mr. Altizer presented an overview of the proposed I-73 project and advised that the Transportation Department concluded its series of public hearings on January 12, 2001; and the Transportation Department will present its findings to the Commonwealth of Virginia Transportation Board in April or May 2001.

Mr. Lloyd highlighted the five main discussion points from the public hearings which were held from November 2000 - January 2001, as follows:

- Economic Benefits
- Traffic Element
- Adjacent Roadway Network
- Air Quality
- Property Impacts

Economic benefits, i.e.: support economic growth, economic vitality and maintain existing competitiveness; direct benefits - accident/crash reduction, travel time savings and operational savings; and indirect benefits - employment, spending and fiscal revenues.

Focused on six studies for research purposes, viz: 1994 and 1995 Virginia Employment Commission/Virginia Transportation Research Council Study, 1999 TransAmerican Study, 1996 FHWA Study Nos. 1 and 2, 1996 NCHRP and the 2000 City of Roanoke Study.

1994 AND 1995 Virginia Employment Commission/Virginia Transportation Research Council

The Virginia Transportation Research Council studied the I-81 corridors in southwest Virginia, including I-77, and the Council concluded that this corridor was the best corridor in terms of overall economic impact for the State. The Council studied the type of jobs that would be generated around a transportation facility; their estimates attributed to 2,600 to 4,500 jobs would accrue to the service sector at the interchanges. There was significant amount of baseline information to prove that transportation investment and economic development goes hand in hand.

An adjacent study prepared two years ago by the Virginia Department of Transportation with Federal Highway Administration funds as part of an ISTEA grant identified a high priority corridor similar to the

proposed I-73 is the TransAmerica corridor, which is a west to east coast facility. Emphasis was from Beckley, West Virginia, to Virginia Beach, Virginia. The Transportation Department looked at improving I-64, U. S. 220, and U. S. 460 under two scenarios, controlled access facility versus an interstate facility, and the result in terms of job growth was a prediction for a freeway, a full interstate facility, 69,000 jobs would accrue from that type of transportation investment, with a controlled access facility and 27,000 jobs.

#### 1996 Federal Highway Administration Studies One and Two

The Federal Highway Administration conducted two studies in 1996. The first study evaluated over 4,500 construction projects nationwide, transportation construction projects between 1987-1993. The findings were for every billion dollars of transportation investment, construction projects would result in approximately 42,000 -44,000 jobs.

The second project was an evaluation of the proper mix of projects versus public funds and transportation. The conclusion was earlier on in the 1940's and 1950's when there was an overwhelming amount of public dollars going into the infrastructure and transportation. The linkage between transportation investment and economic development is still extremely significant, particularly on a local level in terms of attracting private capital into the area. The conclusion from the study was that local level transportation dollars were very well spent, particularly in meeting those types of employment goals.

#### 1996 National Cooperative Highway Research Project

The National Cooperative Highway Research Project is an ongoing think tank that does research in terms of economic development. The Transportation Department studied various transportation issues, i.e., ridership, construction costs, and new technology. The National Cooperative Highway Research team studied 47 departments of transportation throughout the country, as well as six provinces in Canada, and evaluated approximately 140 different research studies linking or attempting to link economic impacts with transportation investment. With regard to highway investments, the focus was on the effects of by-pass construction on small to medium size towns,

and in terms of gross sales, retail and wholesale, and in employment, investments grew rapidly where communities had constructed by-passes versus controlled communities with no by-passes.

#### 2000 City of Roanoke Study

The five factors noted in the Study that affected the City's economic base were: access to sites, travel time reduction, shifting of traffic volumes, congestion delay, and business disruption/relocations.

Comparison analysis shows how the options or alternatives stack up in terms of economic factors that influence the City of Roanoke. Based on the results, Option 3 which will travel through the center of the City, had the most positive effect of all five factors; and no bill had the least effect or negative effect in terms of access, travel time, shifting traffic lines and congestion.

The Transportation Department is under Congressional mandate to evaluate the interstate option for I-73. The ISTEA funding in 1990, the National Highway System Act of 1995, and the T21 reenactment or reauthorization of the highway act and amendments thereto, I-73 must be tied to or be built to interstate standards from Portsmouth, Ohio, to Charleston, South Carolina. The entire length of the corridor goes through Michigan to Canada; but from Portsmouth, Ohio, to Charleston, South Carolina, the Transportation Department is compelled to evaluate the interstate option and development of the purpose and need.

Recent study completed by TransAmerica was done in Virginia comparing the upgrades of Routes 460, 220 and 64 to controlled access standards.

Transportation Systems Managements (TSM) is a concept developed by the Federal Highway Administration as an alternative to squeeze as much capacity out of the urban area system as possible without provoking the need for additional lane capacity. TSM are a series of minor improvements for safety, signals, left turn lanes, operational features, etc.

Mr. Bestpitch inquired about the importance to build I-73 in Virginia to a higher design standard than what is required by the transportation departments in West Virginia or North Carolina. Mr. Altizer stated that an interstate standard deals with lane width and design speed, and according to the Federal Highway Administration, it must be a limited access, grade separated highway before an interstate shield can be placed on it; and there cannot be intersections or traffic signals. Mr. Bestpitch added that if the City is going to experience a significant increase in traffic volume through Roanoke heading south, eventually, there will be a highway in North Carolina that is not built to the same capacity in terms of speed, etc. He also expressed concern about the flow of traffic down I-73 to North Carolina that at some point would end at a roadway that is not built to the same standards as Virginia.

Mr. Altizer responded that whatever roadway is built by North Carolina will be of a high standard; and the State of North Carolina has been historically aggressive in its transportation system and has usually overbuilt for capacity rather than underbuilt.

Mr. Lloyd commented on concerns expressed by citizens regarding the travel demand through the area. He noted that the Transportation Department is studying essentially eight lanes of capacity if Option 3 and parts of Option 2 are built (the 581 improvement); the Transportation Department has auxiliary lanes that are counted which will make the lane count higher between Orange Avenue and Elm Avenue; therefore, central Option 3 alternative was selected. Regardless of which alternative is selected, he stated that the Transportation Department will take a closer look at the interchanges and how they function. In response to the impact of building a new interstate either east or west or imposing I-73 on I-581 to the City's transportation system, he pointed out that there are new interchanges being proposed as the result of a new development at the Riverside Centre for Technology, and various issues will be addressed such as connecting arterials because interchanges attract traffic, capacity issues, grant configurations at interchanges, etc. He added that the Transportation Department will also take into account the network effect, the overall operation of the system, how the central alternative selection (Elm Avenue, Williamson Road, Wonju Street and Franklin Road) will operate.

With regard to air quality, Ms. Wyatt inquired as to whether or not sound and noise aesthetics will be addressed in the Draft Environmental Impact Statement and whether a proposal from the Transportation Department will be presented ahead of time. Mr. Lloyd responded that sound and noise aesthetics have been addressed in the draft statement; and in terms of regional air quality, all transportation projects on regional air quality in the Roanoke area is yet to be addressed.

Mr. Bestpitch inquired about options in connection with I-73 resulting in a net positive impact on air quality in the Roanoke Valley and specifically Roanoke City; whereupon, Mr. Lloyd stated that the Transportation Department is not predicting improvements with regard to air quality in the Roanoke Valley.

In summary, Mr. Lloyd called attention to eight of the 11 built alternatives under consideration that will directly impact Roanoke one way or the other; the range of residential property is anywhere from a low of 78 dwelling units (apartment complex or single family detached home) up to 246; and there is a wide range of impact depending on which alternative is selected. With regard to commercial property, he added that depending upon the alternative selected, businesses could range anywhere from a low of 29 up to 40, non-profit properties could range from four to five; and information on the above referenced alternatives is documented in the right-of-way portion of the draft statement.

Following additional comments by the Members of Council, Mr. Bestpitch moved that Council go on record as opposing the option designated by the Virginia Department of Transportation as 376 through the City of Roanoke and also opposing any other route through the City other than 374 and 375 as shown on a map presented by Department of Transportation representatives. The motion was seconded by Ms. Wyatt.

The Mayor advised that he is not in favor of 376, but opposes tying the hands of the Department of Transportation as it studies the best possible route through the City of Roanoke.

There being no further comments, the motion was adopted by the following vote:

AYES: Council Members Harris, Wyatt and Bestpitch-----3.

NAYS: Council Members Carder and Mayor Smith-----2.

(Council Member Hudson was not present when the vote was recorded, and Council Member White was absent.)

At 1:25 p.m., the Mayor declared the meeting in recess to be reconvened in the Council's Conference Room for three Closed Sessions.

At 2:00 p. m., on Monday, February 5, 2001, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members William H. Carder, C. Nelson Harris, W. Alvin Hudson, Jr., William White, Sr., Linda F. Wyatt, William D. Bestpitch and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by The Reverend Carl T. Tinsley, Pastor, First Baptist Church, Buena Vista, Virginia.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

#### PRESENTATIONS AND ACKNOWLEDGMENTS:

PROCLAMATIONS: The Mayor presented a proclamation declaring Monday, February 5, 2001, as Junior League of Roanoke Valley, Virginia, Inc. Oh My Stars! Day.

#### CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.



MINUTES: Minutes of the regular meetings of Roanoke City Council held on Monday, August 7, 2000, and Monday, August 21, 2000, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. Carder moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

ABSENT: None-----0.

COMMITTEES--HOTEL ROANOKE CONFERENCE CENTER: A communication from James D. Ritchie, Deputy City Manager, tendering his resignation as a City representative to The Hotel Roanoke Conference Center Commission, effective April 1, 2001, was before Council.

Mr. Carder moved that the resignation be accepted and that the communication be received and filed. The motion seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

ABSENT: None-----0.

COMMITTEES--BLUE RIDGE BEHAVIORAL HEALTHCARE SERVICES: A communication from S. James Sikkema, Executive Director, Blue Ridge Behavioral Healthcare, advising of the resignation of Ann Janney-Schultz as a member of the Blue Ridge Behavioral Healthcare Board of Directors, was before Council.

Mr. Carder moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

ABSENT: None-----0.

COMMITTEES-ROANOKE NEIGHBORHOOD PARTNERSHIP COMMITTEE: A communication from Mark Petersen tendering his resignation as a member of the Roanoke Neighborhood Partnership Steering Committee, was before Council.

Mr. Carder moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

ABSENT: None-----0.

CITY PLANNING COMMISSION-HOUSING/AUTHORITY-RIVERSIDE CENTRE: A communication from the City Manager requesting approval to advertise a Special Meeting of Council to conduct a joint public hearing on the South Jefferson Redevelopment Plan with the City Planning Commission and the Roanoke Redevelopment and Housing Authority on Monday, February 26, 2001, at 7:00 p.m., in Fitzpatrick Hall, at The Jefferson Center, 541 Luck Avenue, S. W., was before the body.

Mr. Carder moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-HUMAN DEVELOPMENT: A report of qualification of Clarence W. Hall as a member of the Advisory Board of Human Development, for a term ending November 30, 2004, was before Council.

Mr. Carder moved that the report of qualification be received and filed. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

### REGULAR AGENDA

#### HEARING OF CITIZENS UPON PUBLIC MATTERS:

ROANOKE NEIGHBORHOOD PARTNERSHIP-HOUSING: Ms. Gloria Dorma, 1327 Moorman Avenue, N. W., appeared before Council and reiterated her remarks which were presented at the October 4, 1999 Council meeting, in which she requested that Council and City staff consider the matter of housing density in connection with new housing construction, particularly in the northwest section of the City of Roanoke. She asked that her remarks be referred not only to the City Manager, but to the City Attorney for review as to any legal ramifications.

ARMORY/STADIUM-SCHOOLS-YOUTH: Lieutenant Colonel Harry C. Garner, Department of the United States Army, Roanoke Recruiting Station, appeared before Council and spoke in support of U. S. Army opportunities. He stated that the military instills discipline, ethics, morals and values in today's youth; and highlighted educational opportunities available to youth during and after enlistment in the U. S. Army.

Mr. Bestpitch moved that Council support U. S. Army opportunities. The motion was seconded by Ms. Wyatt and unanimously adopted.

#### PETITIONS AND COMMUNICATIONS:

BUDGET-CITY CLERK-CITY EMPLOYEES: A communication from Council Member C. Nelson Harris, Chair, City Council Personnel Committee, requesting that establishment of an Assistant City Clerk position in the City Clerk's Office be referred to fiscal year 2001-02 budget study, was before the body.

It was advised that as a part of the City Clerk's mid-year performance evaluation with the Members of Council in January, 2001, she requested that Council authorize the establishment of an Assistant City Clerk position to be

responsible primarily for assisting with electronic City Council agenda preparation, document imaging and training of staff, updating various records management data, and other related duties.

Mr. Harris moved that the matter be referred to fiscal year 2001-02 budget study. The motion was seconded by Mr. Carder and unanimously adopted.

**BUDGET-TAXES:** A communication from Council Member William White, Sr., requesting that the matter of an increase in the City's transient room tax be referred to fiscal year 2001-02 budget study, was before Council.

Mr. White spoke in support of an increase of one cent in the Transient Room Tax, effective July 1, 2001, which would result in approximately a \$314,000.00 increase in annual revenue to the City; and that the increased revenue be reserved for the Roanoke Valley Convention and Visitors Bureau, or the City's designee, for use in marketing efforts. He cited the following benefits:

The tax would be paid almost entirely by visitors from outside the City of Roanoke.

By directing the increased revenue to the Roanoke Valley Convention and Visitors Bureau, the City has an opportunity to increase other taxes: i.e., the sales tax and the meals tax.

The City's tax base will be improved since less reliance will have to be placed on real estate taxes, thus, improving the integrity of the City's tax base.

If the City provides adequate funding to the Convention and Visitors Bureau, other participating jurisdictions will follow and increase their funding. The City will then have an adequate budget to sufficiently market the Roanoke Valley and benefit all of its citizens.

Mayor Smith advised that he has not supported tax increases in the past, and therefore, would abstain from voting on the matter.

There being no further discussion, Mr. White moved that the matter be referred to 2001-02 budget study. The motion was seconded by Mr. Bestpitch and adopted, Mayor Smith abstained from voting.

## REPORTS OF OFFICERS:

## CITY MANAGER:

## BRIEFINGS:

**WATER DEPARTMENT:** The City Manager introduced Michael McEvoy, Director of Utilities, for a presentation with regard to the Crystal Springs Pumping Station.

Mr. McEvoy highlighted the following:

The City's Water System is unique due to the topography.

The elevation at Carvins Cove Reservoir allows the City to produce the water which cuts down on pumping and electrical costs and to serve the higher elevations in the City's service area.

The City pumps smaller amounts of water into storage tanks that serve individual neighborhoods and sections of the City.

The three primary water sources in the City's system are Carvins Cove Reservoir, a 28 million gallon per day surface water treatment plant, which is fed by rainfall and several creeks in the watershed; the Falling Creek facility, located on the eastern side of the City, is a 1.5 million gallon per day facility that serves primarily the eastern service boundaries of the City's water system; and the Crystal Springs facility which was once the City's primary water source for a number of years.

Water mains are constructed of two types of materials, i.e.: cast iron which was in service from the 1880's, and since 1965, the City has used ductile iron pipe, which is a more flexible pipe that allows for better durability during colder conditions. A number of main breaks during the winter were primarily due to cold weather, and the City experienced over 100 main breaks in December 2000 and early January 2001, which were of cast iron pipe or associated with the cast iron pipe that was installed between 1945 and 1965.

Current initiatives underway are the ground water development program which has been moderately successful; some successful wells at the Carvins Cove facility, investigation of a well at the Muse Spring facility, and planning of a regional water supply study with the Roanoke Valley-Allegheny Regional Planning Commission.

City staff is revising current conservation plans, studying a water source assessment of the Carvins Cove facility, restructuring the utility rate system which does not promote conservation; reviewing details with regard to the purchase of water; and refining the pricing of water purchased by other jurisdictions.

Future initiatives include capital facilities planning, increased support for fire protection in the community; development of a program to replace aging water mains, and performance measures to streamline operations.

Mr. McEvoy called attention to the Crystal Springs facility which once was a water source for the City of Roanoke for a number of years providing excellent water quality; a typical flow from Crystal Spring is 3½ to 4 million gallons per day unaided by any pumping that comes naturally to the surface; and in 1996, revisions to the Safe Drinking Water Act required the filtering of systems similar to Crystal Springs. He noted that although Crystal Springs is a water source of good quality, it fits the description that the Safe Drinking Water Act was intended to protect against; and the City is currently studying a process to be used at Crystal Springs known as "microfiltration," or a physical filtration of the water.

Mr. McEvoy stated that the Engineering Department has established a competitive bidding process with two primary vendors who use the microfiltration equipment to encourage competition. He further stated that some of the advantages of a microfiltration system over the conventional treatment is that the process is an established technology and an automated operation that does not require labor and the Health Department does not require a dedicated operator.

Mr. McEvoy indicated that the primary advantage of the microfiltration system is the size; Crystal Springs Pumping Station has limited space, therefore, it would be impossible to construct a conventional water treatment plant at that location; and the disadvantage is that the microfiltration system reaches an economic breakpoint at about six million gallons per day; when capacity is exceeded, it becomes more cost efficient to install a conventional filtration plant; and filter cell replacement could be an issue when cells plug up over time and must be replaced.

Mr. McEvoy reviewed the following project schedule:

- Receive bids on the equipment in February 2001;
- Select a vendor;
- Bids due in March, 2001;
- Complete design and bid construction in September 2001; and
- Completion of facility in May 2002.

Mr. McEvoy advised that construction of the Crystal Springs filtration system is estimated to cost \$6.5 million, but could be less following completion of the design phase and possible funding sources. In response to an inquiry regarding a potential regional water authority with Roanoke County to share water at the Spring Hollow Reservoir, he advised that Roanoke County is allowed to pump water out of the Roanoke River into the Spring Hollow Reservoir during certain periods of the year; and although Spring Hollow is a newer reservoir with a lot of storage capacity, Roanoke County has similar issues and actually looks to the City of Roanoke in the event of a drought.

Mr. McEvoy stated that Roanoke County and the City of Roanoke have a number of interconnections, both localities trade water daily, serve different areas, have the ability to purchase up to four million gallons per day of water from each other; however, the purchase of water from Roanoke County is much more expensive. He further stated that the City of Roanoke and Roanoke County are working on a joint project involving installation of a water line along Loch Haven Road that will boost service pressures for both localities.

The City Manager advised that a study committee was formed as a first step toward the concept of identifying future needs, rate restructuring, and promoting conservation in general; and the end result is to create a regional solution to water issues.

The City Manager stated that the briefing was for information purposes and she would report to Council following award of the construction bid.

**PARKS AND RECREATION–TRAFFIC:** Philip C. Schirmer, City Engineer, presented a briefing on a plan for proposed improvements along Wiley Drive. He stated that the plan provides for more than one and one-half miles of continuous greenway and accommodates one way vehicular traffic eastbound from Wasena Park toward Smith Park, makes good use of existing resources and uses existing pavement; the plan was a collaborative effort among City staff representing Engineering, Parks and Recreation, and the Planning Departments; and the City's Greenway Commission members, Barry Baird, Lucy Ellet and Bob Fetzer, provided input to the plan, the plan was reviewed by Liz Belcher, Roanoke Regional Greenways Coordinator, and two mobility impaired citizens, Christine Montgomery and Gordon Davidson.

He reviewed the following details of the plan:

#### Typical Section

- Narrow vehicular lane – – traffic calming
- Generous trail section, generally 11 feet or more

#### Median Barrier

- Provides separation of trail users and motor vehicles
- Two foot wide, six inch raised median
- Planter boxes

#### Plan Orientation

#### Pedestrian Crossings

- Safety
- Traffic Islands

#### Trail Head Parking

- Approximately 90 parking spaces, each has handicap van accessible spaces



Lighted Facility

- Existing street lights

Height Restrictions

- standard school bus 10' 6"
- handicap school bus 9' 0"

Wasena Park

- Proposing less permanent improvements, impact of the Corp of Engineers Flood Reduction Project, very tight budget, \$200,000.00

Schedule

- With the governing body's endorsement, could be completed by mid-summer.

Mr. Hudson asked for clarification concerning the traffic pattern of Wiley Drive between Franklin Road and Roanoke Memorial Hospital; whereupon, Mr. Schirmer confirmed that Wiley Drive would remain a two-way street in that area.

Ms. Wyatt commented that Smith Park was the only area Council voted to make one way traffic, causing traffic through Wasena Park to be one way and limiting access by larger buses would greatly affect access by school children because it would be cost prohibitive for the schools to place regular classes of children on large buses, and special education children on smaller buses, therefore, she inquired as to how the buses would exit the parking area of Wasena Park. Mr. Schirmer responded that buses would go in from Winchester Avenue at the far end of Wasena Park, traverse through Wasena Park and come out at the Winchester/Winona intersection, which would require using a smaller bus to access Smith Park. Ms. Wyatt stated that special education children are integrated into regular classrooms, it would be cost prohibitive for a school to transport regular and special needs children in separate buses, and doing so would violate several Federal laws. Mr. Schirmer responded that City staff was asked to explore a one

way plan, the Franklin Road Bridge was identified as a constraint and could not be addressed without the expenditure of large sums of money, and using smaller buses in order to go under the bridge was an option. Ms. Wyatt reiterated that it was not an issue of acceptability, but violation of Federal laws; whereupon, Mr. Schirmer suggested that the matter be reviewed by the City Attorney.

Mr. Carder inquired about stop signs at pedestrian crosswalks. Mr. Schirmer responded that some type of regulatory warning sign would be placed at such locations. Mr. Carder suggested that stop signs be installed for all traffic, inasmuch as bike riders and skate boarders approach intersections rather quickly, and that consideration be given to posting the speed limit at 13 mph versus 15 mph.

Mr. Bestpitch clarified that the motion that was adopted by Council on October 16, 2000 was, in essence, that those persons who wanted to keep Smith Park completely closed to vehicular traffic would give up half of the width for one way vehicular traffic, but would gain the length of Wasena Park; and one way design would extend all the way from the east end of Smith Park to the west end of Wasena Park. He expressed regret that some Members of Council were confused over the wording of the motion. He stated that he appreciated the concern regarding access for those persons who have disabilities insofar as the ability to drive back and forth underneath the Franklin Road Bridge, however, that issue has nothing to do with the proposal to extend one way traffic and to allow a lane for non vehicular use through Wasena Park; and any proposal to open Smith Park to one way traffic only would encounter the same problem of the height restriction of the Franklin Road Bridge.

Mr. Hudson expressed confusion regarding the motion that was adopted by Council on October 16, 2000, and advised that his understanding of the motion was that there would be one way traffic from Winona Avenue down to Wiley Drive with barriers and the greenway. He stated that to close access to Wasena Park by one way traffic would create an inconvenience to school children and all other persons who use the park.

Mr. White asked City staff for clarification that whatever improvements are made can be removed at some point in time due to the Roanoke River Flood Reduction Project. Mr. Schirmer responded that the current plan calls for the roadway surface of Wiley Drive to be removed from the extreme western end at Winchester Avenue to the former transportation museum, the vehicular way would be lost but a trail section is planned through the area, and City staff was looking for an inexpensive, temporary-type measure for Wasena Park, with the knowledge that improvements could potentially be lost within approximately two years.

Mr. White spoke in support of not disturbing Wasena Park until the Corp of Engineers completes the Roanoke River Flood Reduction Project, because to make improvements now and include Wasena Park in the project will be a waste of taxpayers' money. In addition, he stated that there was confusion about the motion adopted by Council on October 16, 2000, inasmuch as some Members of Council were of the understanding that there would be one way traffic from Winona Avenue through Smith Park.

If the Roanoke River Flood Reduction Project moves forward, Mayor Smith inquired if the remainder of the project could be completed without Wasena Park.

The City Manager responded that City staff is not adverse to limiting the area to that which was initially under consideration, however, action by Council would be necessary to effect any changes.

Following discussion, the City Attorney stated that Council could request that the matter be brought back to the Council floor with a report by the City Manager as a new matter, without requiring a motion, and it would then be necessary for Council to amend the motion previously adopted.

Mr. White moved that Council receive the City Manager's report, with objection, and instruct the City Manager to review implications, if any, of not including Wasena Park and that a report by the City Manager be submitted to Council at its next regular meeting on Tuesday, February 20, 2001. The motion was seconded by Mr. Hudson.

Ms. Wyatt offered an amendment to the motion to include a proposal that will address children with disabilities that will allow for full access to the area. The amendment was seconded by Mr. Hudson.

Mr. Bestpitch expressed concern with regard to Council reconsidering a compromise solution that was adopted by motion of Council on October 16, 2000, which addresses the concerns of those persons who oppose any vehicular traffic in Smith Park in the future.

Upon question, the City Manager stated that she would not be comfortable in moving forward without reviewing the Americans With Disabilities Act; and there are solutions concerning the height of the Franklin Road Bridge which will involve a considerable sum of money; whereupon, she requested two weeks in which to review the matter.

In the interest of time, Mr. Harris advised that he would support the motion; however, he encouraged Members of Council to raise questions whenever clarification of a motion is in order.

Mr. Hudson called for the question. The motion was seconded by Mr. Harris and unanimously adopted.

The motion offered by Mr. White, seconded by Mr. Hudson, as amended, was adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt and Mayor Smith-----6.

NAYS: Council Member Bestpitch-----1.

CITY GOVERNMENT-INTERNET: The City Manager introduced Craig Fifer, the City's Webmaster, for an update to the new Roanoke web site.

Mr. Fifer advised that since August 1996, approximately two million visitors have accessed information on the City's website. He called attention to improvements to the web site, i.e., aesthetics of the homepage since its inception, which incorporates more interactivity, creation of a site for interaction with City government, the ability to transact business with City Hall, and to offer ideas and suggestions, as well as reference material that has been on-line for some time.

Mr. Fifer highlighted the following with regard to the newly web site:

- a much more modern look
- the two most visually remarkable scenes of the City; the star and the skyline
- a new site name which is easier to remember: roanokegov.com
- a service oriented approach, rather than departmental approach
- a site that is divided into a number of different perspectives: three categories for visitors – Living in Roanoke, Visiting Roanoke, and Doing Business, which are linked to different web sites such as the Roanoke Valley Convention and Visitors Bureau, Downtown Roanoke, Incorporated, etc., business forms, tax information, economic development incentives and assistance programs, FAQ's
- information on addresses, telephone numbers, and e-mail addresses to contact the City, with a section on City Council where one can access information on how to contact a member of Council, with fully integrated e-mail to the contact information, each Member of Council has an e-mail address, and messages can be forwarded to the Members of Council
- access to agendas for Council meetings back to 1996, and the ability to download the entire Council package prior to a Council meeting
- web casting of Council meetings will begin in the near future using RVTV equipment to cable cast meetings
- access to the Roanoke City Code
- a repository of forms that can be downloaded or printed to assist in transacting business with the City

- a section of maps and data where one can type in an address and receive directions to Roanoke, or see a map of any location in the City
- links to various related websites ranging from elected officials at local, state, and federal levels, to cultural service organizations, and to other localities and attractions in the area
- a guest book where one can leave feedback
- an index with an alphabetical listing of all features on the web site
- new interactive features such as the on line job application system
- use of a major credit card to pay taxes, parking tickets, utility bills, and ambulance billing on line
- a City wide calendar of events where one can browse and search
- access to the Roanoke Valley Public Library catalog
- a geographic information system which incorporates and integrates all City real estate, tax and utility mapping with assessment data

Without objection by Council, the Mayor advised that the briefing would be received and filed.

#### ITEMS RECOMMENDED FOR ACTION:

**COMMERCIAL PRINTING SERVICES–SCHOOLS:** The City Manager submitted a communication advising that on November 19, 1999, the Department of Management Services was authorized to enter into a one-year contract with Woody Graphics, Inc., to provide commercial offset printing services for City departments and agencies at an annual cost of \$51,307.00, which contract will expire on January 31, 2001; in anticipation of expiration of the printing contract and acting

on a suggestion from a Member of the Roanoke City School Board, staff of the Office of Management and Budget met with a representative of the Roanoke City Public Schools to determine if there were areas of operation that could be accomplished through a joint effort; and Roanoke County was also represented at the meeting.

It was further advised that common services used by each entity include:

The City of Roanoke provides in-house courier services and contracts out commercial offset printing, postage/presorting, and back-up courier service.

Roanoke City Public Schools provide in-house courier services, printing services through an in-house copier operation, and contracts out for postage/presorting, and is interested in contracting out some of its printing.

Roanoke County provides in-house courier services and contracts out commercial offset printing and postage, and has a need for occasional courier back-up.

It was stated that because the three entities are spread out geographically, have copier technology capabilities in-house rather than commercial-grade offset printing, and individually cannot provide services to the other entities without adding staff and equipment, all of which would significantly increase the cost of the services to be provided, would make it impractical to share the services; therefore, the recommendation is to share "joint contracts" instead, which will allow the entities to use services at one low contract price; it was agreed that as the City's printing, courier, and postage contracts become eligible for rebid, the three entities will work together to develop specifications and effect the shared contract coverage; formal bids were requested for full commercial offset printing services on behalf of the City of Roanoke and back-up printing services for Roanoke City Public Schools, and Roanoke County chose not to participate at this time.

It was explained that the lowest responsible bid meeting specifications was submitted by Woody Graphics, Inc., at an annual cost of \$51,307.00, which is the same annual cost of the City's current printing contract; funding for printing services is available in user department operating accounts; and the cost over the five year life of the contract is approximately \$256,535.00 for services provided to the City of Roanoke.

The City Manager recommended that she be authorized to enter into a one-year agreement with Woody Graphics, Inc., with the option to renew for four additional one-year periods, for commercial offset printing services at various costs per impression, totaling approximately \$51,307.00 per year, or approximately \$256,535.00 over the five-year period of the contract; and reject all other bids received by the City.

Mr. Harris offered the following resolution:

(#35194-020501) A RESOLUTION accepting the bid of Woody Graphics, Inc., to provide commercial printing services, upon certain terms and conditions, and awarding a contract therefore; authorizing the proper City officials to execute the requisite contract for such work; and rejecting all other bids made to the City for the work.

(For full text of Resolution, see Resolution Book No. 64, Page 102.)

Mr. Harris moved the adoption of Resolution No. 35194-020501. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

AFFIRMATIVE ACTION: The City Manager submitted a communication with regard to the City's affirmative action goals and efforts during the past year.

She advised that it has been a difficult and challenging year with regard to filling vacancies because of the low unemployment rate, which makes the accomplishment of affirmative action goals and achieving diversity in the organization more challenging; in many respects, positions have been held open rather than make choices that might not allow for greater diversity to be achieved;



and she is committed to seeking the best and brightest candidates to fill the positions with the City Administration. She expressed disappointment with the lack of achievement in some areas and stated that some procedures have been in place that not only make managers more accountable and responsible, but have increased sensitivity to the issue during the last year.

Mr. White noted that after reading the report and narrative, it appears that the City has been standing still; however, some of his concerns with regard to diversity, the lack of opportunity for promotion, and retention of talented individuals, have been addressed by the City Manager. He reiterated a previous request that the City's Affirmative Action and Diversity Initiatives report be submitted to Council, automatically, by the City Manager on an annual basis.

Ms. Wyatt advised that the report was fairly accurate and honest and expressed concern with regard to the 64.7 per cent of managers who represent white males, an increase of 9.1 per cent, which is almost 2 to 1, which creates a situation or a norm for an organization that can be subtly and insidiously biased. She encouraged the City Manager to consider implementation of certain types of intensive diversity training programs for the City's managerial staff.

Ms. Angela Norman, 1731 Michael Street, N. W., advised that she presented the same concerns, i.e., favoritism and discrimination in the hiring and promotional practices of municipal government, at the September 22, 1997, meeting of Council. She pointed out that the report states that the "City of Roanoke strives to be a model employer by building and maintaining a workforce that reflects the rich diversity of the customers it serves"; however, this and previous diversity reports reflect otherwise.

Ms. Norman stated that in comparing of the revised Affirmative Action Plan of 1984 workforce analysis report and the December 2000 Affirmative Action report, hiring and promotional decisions continue to be decided by a majority of white males and white females. She suggested that Council closely scrutinize the gaps of years when minorities were hired or promoted and hiring and promotional decisions should always be the result of the best qualified applicant.

Brenda Hale, President of the Roanoke Branch, NAACP, 3595 Parkwood Drive, S. W., advised that she has the collaboration of the Roanoke Branch of the NAACP, and the chairman and committee members of the Labor and Industry Team, which consists of EEO managers and supervisors who stand ready to serve the community. She stated that she was concerned to read that four departments

within the City are without a minority employee, with only one minority hire in another City department. She further stated that there should be a concerted effort to provide diversity training for the 1,080 City employees; according to statistics in the report, the City has a failing grade as it relates to people of color and in positions that are filled by females; no data is available regarding outreach recruitment; and figures clearly indicate that change should be of the utmost importance. She inquired about the number of recruit candidates of color from military installations and traditionally black colleges and universities, and if the four students of color mentioned in the report represent an increase in percentage or a status quo from previous years. She commended the City Manager on her efforts to seek potential minority applicants, and requested that the same effort be made toward recruiting minority applicants in management and higher level City positions.

Mr. Bestpitch stated that the City Administration is interested in listening to suggestions and recommendations. He noted that the report indicates that the City has achieved some positive outputs, but still has a way to go. He further stated that outcomes cannot be abandoned, efforts must be continued, and it is hoped that the community will work with the City to spread the message that the City of Roanoke is a good place to work.

Without objection by Council, the Mayor advised that the report would be received and filed.

**POLICE DEPARTMENT:** The City Manager submitted a communication advising that the City entered into a contractual agreement with Thor, Inc., for construction of the New Police Building, in the amount of \$4,015,200.00, with 390 consecutive calendar days construction time, and a completion date of May 2001; and six change orders have been approved to date.

It was further advised that proposed Change Order No. 7 will provide for a storm drainage system to drain the rear and side areas of the building; a storm drain with four manholes will be installed from the back of the building to Campbell Avenue, down to the existing storm drain in front of the City Jail, which includes three new manholes, plus one drop inlet; installation takes into consideration the second phase construction of the building; and cost for the revised grading and addition of a storm drain is \$50,637.00.

The City Manager recommended that she be authorized to execute Change Order No. 7, in a form to be approved by the City Attorney, with Thor, Inc., in the amount of \$50,637.00, with zero additional calendar days of contract time.

Mr. Bestpitch offered the following emergency ordinance:

(#35196-020501) AN ORDINANCE authorizing the City Manager's issuance of Change Order No. 7 to the City's contract with Thor, Incorporated, for revised grading and addition of a storm drain; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64, Page 104.)

Mr. Bestpitch moved the adoption of Ordinance No. 35196-020501. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

**POLICE DEPARTMENT-BUDGET-GRANTS:** The City Manager submitted a communication advising that the Virginia Department of Criminal Justice Services (DCJS) provides grant funding for programs and activities which increase the apprehension, prosecution, and adjudication of persons committing violent crimes against women; and the Virginia Services, Training, Officers, Prosecution Program (V-STOP), Violence Against Women, has funded establishment of a Domestic Violence Unit within the Roanoke Police Department since 1999.

It was further advised that on December 29, 2000, DCJS awarded the Roanoke Police Department \$33,754.00 to employ a full-time, non-sworn, Domestic Violence Specialist, thereby, allowing continuation of the Domestic Violence Unit in calendar year 2001; the required City in-kind match, in the amount of \$21,308.00, will be met through the salary paid to current Police Department personnel; and it is anticipated that DCJS funding will continue through the year 2003.

It was stated that the Police Department's Domestic Violence Unit collects and interprets relevant domestic violence offense data, which allows proactive case intervention and cultivation of cooperative working relationships with clients and service/adjudication agencies; the program produces more equitable victim-offender criminal justice dispositions related to domestic violence offenses; and the Police Department's Domestic Violence Unit has served an average of 96 domestic violence victims each month since its inception.

The City Manager recommended acceptance of the V-Stop grant, in the amount of \$33,754.00; that she be authorized to execute the necessary grant agreements; and that Council appropriate \$33,754.00 from the V-Stop grant program to accounts to be established by the Director of Finance.

Mr. Hudson offered the following emergency budget ordinance:

(#35197-020501) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64, Page 105.)

Mr. Hudson moved the adoption of Ordinance No. 35197-020501. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

Mr. Hudson offered the following resolution:

(#35198-020501) A RESOLUTION authorizing the acceptance of a certain Virginia Services, Training, Officers, Prosecution (V-Stop), Violence Against Women Grant from the Virginia Department of Criminal Justice Services and authorizing execution of any required documentation on behalf of the City.

(For full text of Resolution, see Resolution Book No. 64, Page 106.)

Mr. Hudson moved the adoption of Resolution No. 35198-020501. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

**BUDGET-PARKS AND RECREATION-CMERP:** The City Manager submitted communication advising that construction of the Mill Mountain Center is almost complete and the facility is scheduled to open to the public in early Spring; funding has been limited for the project; and in order to construct a first class facility at Roanoke's premier park, the Parks and Recreation Department has secured approximately \$64,000.00 in donated funds, goods and services.

It was further advised that several needed changes in construction plans created a \$10,500.00 shortfall in capital funding which included removal of an already installed wall, upgrading the floor finish, and a combination of other small changes to improve both the interior and exterior of the facility, which amount is part of Change Order No. 4; and the project has had four change orders totaling \$80,376.00, or 15 per cent of the original contract, in the amount of \$530,957.00.

The City Manager recommended that Council authorize the transfer of \$10,500.00 in CMERP funds currently in Operating Account No. 001-620-7110-2035, to Capital Account No. 008-052-9711-9065, in order to complete payment for construction of the Mill Mountain Center.

Mr. White offered the following emergency budget ordinance:

(#35199-020501) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 General and Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64, Page 107.)

Mr. White moved the adoption of Ordinance No. 35199-020501. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

**CREDIT CARD-PURCHASING-CITY EMPLOYEES:** The City Manager submitted a communication advising that the Finance Director previously briefed the Council on the benefits of purchasing cards which would facilitate purchasing for small transactions and create processing efficiency through payment of one bill, and replacing numerous payments to many individual vendors; purchasing cards are a "best practice" as identified by the Government Finance Officers Association; and the Commonwealth of Virginia and numerous Virginia localities currently use cards.

It was further advised that written administrative policies and procedures will delineate employee responsibility, spending and transaction limits, clear guidelines on the appropriate uses of credit cards, including approved and unapproved merchant category codes and guidelines for making necessary purchases; and appropriate management approval will be required to authorize card issuance.

It was stated that proposals for purchasing card services were requested; three proposals were received and evaluated in a consistent manner by a proposal committee; interviews were conducted and negotiations were completed in accordance with Chapter 23.1, Procurement, Code of the City of Roanoke (1979), as amended, with The First National Bank of Atlanta, d/b/a Wachovia Bank Card Services, ranking in the first position; and under terms of the proposal and contract, Wachovia Bank Card Services will provide the City with purchasing cards for authorized departments and employees of authorized departments.

It was explained that cash advances will not be permitted under the contract; Wachovia will provide software allowing the City to access its account information electronically, installation assistance, training and customer support; Wachovia has proposed that almost all fees will be waived; and the only charges that the City could potentially incur would be fees for late payments, or an early contract termination fee for terminating the contract before the initial one year term.

It was pointed out that the proposed agreement provides that the City shall indemnify and hold harmless Wachovia Bank Card Services for, from and against any and all liabilities which may be incurred by Wachovia Bank Card Services because of any and all acts of omission or commission by the City, its officers, agents or employees in any way relating to or arising out of the agreement; the City shall not be liable for indemnification if liability arises from negligence, gross negligence or willful misconduct of Wachovia Bank Card Services; and the City has not waived its sovereign immunity, but has specifically preserved the same in the proposed agreement.

The Bid Committee recommended that the City Manager be authorized to enter into a contract, in a form to be approved by the City Attorney, with The First National Bank of Atlanta, d/b/a Wachovia Bank Card Services of Atlanta, Georgia, to provide purchasing card services for a period of one year with the option by both parties, in writing, to renew for two additional one year periods.

The City Manager concurred in the recommendation of the Bid Committee.

Mr. Harris offered the following resolution:

(#35200-020501) A RESOLUTION accepting the proposal of The First National Bank of Atlanta, d/b/a Wachovia Bank Card Services, to provide purchasing cards for small purchases and travel expenses, upon certain terms and conditions, and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such services; and rejecting all other proposals made to the City for the services.

(For full text of Resolution, see Resolution Book No. 64, Page 109.)

Mr. Harris moved the adoption of Resolution No. 35200-020501. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

**SCHOOLS-PARKS AND RECREATION:** The City Manager submitted a communication advising that the Jackson Fitness Center is scheduled to open by March 1, 2001; the Parks and Recreation Department opened its first fitness center in partnership with the Roanoke City Public Schools at Breckinridge Middle School in October 1997, followed by fitness center openings at Woodrow Wilson Middle School in November 1998, and Addison Middle School in December 1999; and the opening of the fourth fitness center at Jackson Middle School will provide fitness center access in all four quadrants of the City.

It was further advised that a fitness room has been prepared at Jackson Middle School and is awaiting arrival of the equipment; Roanoke City Public Schools will use the fitness room and equipment for physical education classes and sports conditioning; Parks and Recreation will operate the facility as a fitness center, open to the general public during non-school hours; details of the rights of both Parks and Recreation and the Roanoke City School Board are contained in a proposed Agreement; and the following fees are charged at the other three City operated fitness centers:

City Resident - monthly	\$15.00
City Resident - per visit	\$ 4.00
Non-City Resident - monthly	\$22.00
Non-City Resident - per visit	\$ 5.00

The City Manager recommended that she be authorized to execute the Agreement, to be approved as to form by the City Attorney.

Mr. Hudson offered the following resolution:

(#35201-020501) A RESOLUTION authorizing the City Manager to execute an agreement between the Roanoke City School Board and the City of Roanoke, allowing the City to operate a fitness center at the Jackson Middle School for use by the general public, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 64, Page 110.)



Mr. Hudson moved the adoption of Resolution No. 35201-020501. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

**FEE COMPENDIUM-SCHOOLS-PARKS AND RECREATION:** The City Manager submitted a communication advising that public fitness centers are currently being operated in three Roanoke City Public Middle Schools: Breckinridge, (1997); Woodrow Wilson, (1998); and Addison, (1999); a new fitness center at Jackson Middle School is scheduled to open by March 1, 2001; each fitness center offers cardiovascular and circuit training equipment to the general public during non-school hours, while each is used by the schools to enhance their physical education programs during school hours; and current fees for public usage are \$15.00 per month, or \$4.00 per visit, for city residents and \$22.00 per month, or \$5.00 per visit, for non-city residents.

It was further advised that Council previously approved minimum user fees for the facilities to be no less than \$10.00 per month, or \$2.00 per visit for City residents, and \$15.00 per month, or \$3.00 per visit for non-city residents, and authorized the Manager (now Director) of Parks and Recreation to adjust fees accordingly to similarly situated fitness centers and equal to fees charged at all other City operated fitness centers; and since the first fitness center opened, rates were adjusted on one occasion to encourage usage during non-peak time and to reflect changing operating costs.

It was stated that to encourage employees to improve their physical fitness and to become a healthier workforce, it is recommended that Council approve a discounted rate of \$10.00 per month for all full-time City and School Board employees, regardless of where they reside, for the use of fitness centers effective March 1, 2001; and program kickoff will be preceded by an awareness campaign, including meetings, City Page announcement, and informational brochures for employees.

The City Manager recommended that:

City Council amend resolutions pertaining to Addison (#34514-102099), Breckinridge (#33609-100697), and Woodrow Wilson (#34029-100798) Fitness Centers to allow City and School employees, including those employees who do not reside within the City of Roanoke, to pay the recommended \$10.00 per month discount rate.

Council authorize amendments to Agreements with the Roanoke City School Board for operating Woodrow Wilson and Breckinridge Fitness Centers to permit a \$10.00 per month discounted rate.

Add to the Fee Compendium to reflect the following fee schedule for all City run fitness centers and permit the Director of Parks and Recreation to adjust said fees so long as the fees charged to any user within each group are equal and such fees are not less than the fees charged to users of similarly situated fitness centers not operated by the City of Roanoke.

	<u>Monthly Fee</u>	<u>Daily Fee</u>
Persons providing proof of full time employment by the City of Roanoke or City of Roanoke School Board	\$10.00	-----
Persons providing proof of residency in the City of Roanoke but who are not employed by the City of Roanoke or the City of Roanoke School Board	15.00	\$4.00

Mr. Harris offered the following resolution:

(#35202-020501) A RESOLUTION amending the City's Fee Compendium to establish uniform fees for use of certain fitness centers operated by the City of Roanoke; amending certain resolutions to the extent they may be inconsistent with this amendment; and authorizing amendments to the operating agreements for certain fitness centers.

(For full text of Resolution, see Resolution Book 64, Page 110.)

Mr. Harris moved the adoption of Resolution No. 35202-020501. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

HEALTH DEPARTMENT-BUDGET: The City Manager submitted a communication advising that Section 32.1-31, Code of Virginia, 1950, as amended, authorizes the City to enter into a contract with the State Board of Health for operation of the local health department in the City; the contract between the City and the Board must specify services to be provided, in addition to services required by law, and must contain other provisions as the Board and the City may agree upon.

It was further advised that the contract has an automatic year to year renewal; the amount of funds dedicated to the contract for each fiscal year is negotiated and agreed upon; an agreement between the Commonwealth of Virginia and City of Roanoke is necessary for proper billing to localities for health and environmental services; the initial local required match amount of \$1,061,202.00 (40.36%) of the total cooperative budget was included in the Fiscal Year 2000-2001 Resource Allocation Plan adopted by Council in May 2000; and an additional amount of \$85,208.00 is required to match additional State funding.

It was stated that funding is available in Account No. 001-121-2138-2008, Residential Detention Services, as actual utilization of bed space has been less than the initial projection; and the 2000-2001 Health Department Budget is based on approved funding as follows:

State	\$1,605,849.00 (59.64%)
Local Match	<u>\$1,146,412.00</u> (40.36%)
	\$2,755,261.00

The City Manager recommended that Council authorize the transfer of \$85,208.00 from Account No. 001-121-2130-2008, Residential Detention Services, to Account No. 001-630-5110-3700, Health Department Subsidies, and that she, or her designee, be authorized to execute the agreement, in a form to be approved by the City Attorney, with the State Health Department as provided by State law.

Ms. Wyatt offered the following emergency budget ordinance:

(#35203-020501) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 General Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64, Page 112.)

Ms. Wyatt moved the adoption of Ordinance No. 35203-020501. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

Mr. Harris offered the following resolution:

(#35204-020501) A RESOLUTION authorizing the City Manager or her designee to enter into a contract with the Virginia Department of Health relating to the operation of the local Health Department, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 64, Page 113.)

Mr. Harris moved the adoption of Resolution No. 35204-020501. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

**BUDGET-LEASES-EQUIPMENT:** The City Manager and the Director of Finance submitted a joint written report advising that three areas of equipment were identified during the past year totaling \$2,503,000.00 that could not be purchased from currently available budgetary funds; and various reports to Council included a recommendation to lease purchase the respective equipment as a strategy to acquire and pay for the equipment over future budget years, i.e.:

A construction bid was accepted for the new police building in February 2000, funded primarily by bond funds. A February 22, 2000, Council report recommended furniture and equipment, estimated to cost approximately \$700,000.00, be acquired through lease purchase. Estimated completion of the building is April 2001, so equipment and furniture need to be ordered soon.

A Council report dated October 2, 2000, on the Capital Maintenance and Equipment Replacement Program (CMERP) recommended replacing \$2,303,000.00 of vehicles and equipment, \$1,353,000.00 of which was recommended to be lease purchased.

In conjunction with the recommendation of the CMERP program for technology funding, a December 18, 2000, Council report recommended a program of lease purchasing in order to facilitate replacement of outdated micro computers. Included in this program, 300 micro computers, costing approximately \$450,000.00, would be lease purchased on a three year replacement cycle.

It was further advised that a Request for Proposals for lease financing of the above described equipment was sent to 20 banks and leasing agencies on December 21, 2000, and nine responses were received with SunTrust Leasing Corporation submitting the most responsive bid; SunTrust Leasing Corporation proposed an interest rate of 4.44% for a three year lease period for the micro computers and 4.48% for a five-year lease period for the vehicles and furniture;

the rates were combined into a single amortization schedule with a 4.47% blended interest rate; annual lease payment will total \$621,171.00 for each of the upcoming three fiscal years, and \$460,815.00 for each of the remaining two fiscal years; and pending Council's approval, funding for the lease purchase payments will be included in annually adopted budgets.

The City Manager and the Director of Finance recommended that Council adopt a measure authorizing execution of the Lease Purchase Agreement with SunTrust Leasing Corporation, and any other required documents related to the Lease Purchase Agreement; and appropriate lease financing proceeds in the amount of \$2,503,000.00 to the following accounts:

\$700,000.00 to the Capital Projects Fund, Account No. 008-052-9563, New Police Building, for lease purchase of furniture and equipment.

\$450,000.00 to a Department of Technology fund account to be established for lease purchase of micro computers.

\$1,353,000.00 to a Fleet Maintenance Fund account to be established for lease purchase of vehicles and equipment.

Mr. Harris offered the following resolution:

(#35193-020501) A RESOLUTION of the Council of the City of Roanoke, Virginia, approving the form and the terms, conditions and provisions of an equipment lease purchase agreement relating to the acquisition and installation of vehicular equipment, computer equipment and office furniture and equipment by the City, to be dated as of January 15, 2001, by and between SunTrust Leasing Corporation, as Lessor, and the City as Lessee, and authorizing the execution and delivery thereof; approving the form and the terms, conditions and provisions of an escrow agreement, to be dated as of January 15, 2001, by and among the City, SunTrust Leasing Corporation and SunTrust Bank, as Escrow Agent, and authorizing the execution and delivery thereof; authorizing the members of the Council and the officials and employees of such City to take further action to carry out this Resolution and the transactions contemplated hereby and by the aforementioned equipment lease purchase agreement and escrow agreement; and making certain findings and determinations.

(For full text of Resolution, see Resolution Book No. 64, Page 99.)

Mr. Harris moved the adoption of Resolution No. 35193-020501. The motion was seconded by Mr. Carder.

The Mayor requested a report from the Director of Finance with regard to the cost of acquiring the equipment through the Lease Purchase Agreement, versus the conventional method of equipment acquisition.

Resolution No. 35193-020501 was adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

Mr. Bestpitch offered the following emergency budget ordinance:

(35195-020501) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Capital Projects, Department of Technology and Fleet Management Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64, Page 103.)

Mr. Bestpitch moved the adoption of Ordinance No. 35195-020501. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

CITY CLERK:

COMMITTEES-SCHOOLS: The City Clerk submitted a communication advising that pursuant to Chapter 9, Education, Code of the City of Roanoke (1979), as amended, establishing a procedure for the election of School Trustees, the three-year terms of office of Melinda J. Payne and Ruth C. Willson will expire on June 30, 2001; and pursuant to Section 9-16 of the Code of the City of Roanoke (1979), as amended, on or before February 15 of each year, Council shall announce its

intention to elect Trustees of the Roanoke City School Board for terms commencing July 1 through (1) public announcement of such intention at two consecutive regular sessions of the Council and (2) advertisement of such intention in a newspaper of general circulation in the City twice a week for two consecutive weeks.

It was further advised that Section 9-17 of the City Code provides that applications must be filed in the City Clerk's Office by March 10 of each year; since March 10, 2001, falls on Saturday, and City offices will be closed, the deadline for receipt of applications will be Friday, March 9 at 5:00 p.m.; applications will be available in the City Clerk's Office and may be obtained between the hours of 8:00 a.m., and 5:00 p.m., Monday through Friday; and information describing the duties and responsibilities of School Trustees will also be available.

Without objection by Council, the Mayor advised that the communication would be received and filed.

#### DIRECTOR OF FINANCE:

**TAXES-DELINQUENT TAXES:** The Director of Finance submitted a report advising that State law provides localities with the right to sell real estate after the first anniversary date on which the taxes or other assessments remain unpaid; property sold under these proceedings will be free and clear of all liens incurred by the owner and any other party involved in the suit; reasonable attorney's fees can be paid out of sale proceeds; and despite vigorous collection efforts by the Office of Billings and Collections, certain property owners have not paid their debts.

It was further advised that in addition to unpaid taxes, many of these properties cause concern to surrounding property owners because the property is not maintained, thereby creating a blight in the neighborhood; another benefit from the tax sale is that the City will collect future real estate taxes and avoid incurring weed/trash abatement and demolition/board costs; on October 22, 1997, Council authorized the judicial sale of approximately 200 properties; auctions of the properties were held throughout 1999; on March 6, 2000, Council authorized the judicial sale of approximately 120 properties; and auctions for these properties are scheduled to conclude by June 2001.

It was stated that in recent years, the Department of Billings and Collections has published an annual listing of tax delinquent properties whose owners have failed to respond to demands for payment; advertisements have been published in



the local newspaper and have produced many responses and collections of delinquent real estate taxes; on November 12, 2000, 354 properties with \$588,000.00 in delinquent taxes were advertised in The Roanoke Times; the properties had taxes that were two years or more delinquent; and as of January 26, 2001, delinquent real estate taxes totaling \$364,189.00 have been collected pursuant to the advertisement.

It was further stated that the next step in the collection process is to request Council's approval to begin the tax sale process for those properties that have failed to respond to the advertisement; lists with delinquent real estate taxes and assessments have been compiled by collectors in the Office of Billings and Collections; and the City Attorney, City Treasurer, and Housing Development Coordinator concur in the recommendation that properties listed on an attachment to the report be subject to the tax sale, which attachment reflects delinquent taxes and assessments as of February 1, 2001.

It was pointed out that real estate taxes on the properties identified in the exhibits attached to the report have been delinquent for two or more years; however, there are five properties listed that have a demolition lien and one year of delinquent real estate taxes which qualify under State law for the tax sale process; and a law firm has been selected by the City Attorney's Office and the Office of Billings and Collections to file the suits and to take all necessary action to sell the properties listed herein.

It was advised that legal fees will be paid by the property owner when the delinquent taxes or other assessments are paid off from sale proceeds at the time of sale; as a part of the legal process required by law for a tax sale, the law firm will send letters to property owners advising that the suits will be filed to sell the property in order to collect taxes and assessments and will publish a legal notice identifying the property in the newspaper; property owners will be able to redeem their property by paying all delinquent taxes, fees, and assessments up until the day before the sale; and it is anticipated that the first suits for the properties will be filed in April 2001 and auctions will be held by September 1, 2001.

The Director of Finance recommended the following:

Suits be initiated to collect delinquent taxes and assessments by tax sale with respect to properties on lists attached to the report as Exhibit A, vacant buildings and lots and Exhibit B, non-owner occupied properties.

Section 58.1-3954, Code of Virginia, requires that any suits be instituted and collected in the name of the City in which the taxes are assessed and at the direction of the governing body of the City.

Mr. Hudson offered the following resolution:

(#35205-020501) A RESOLUTION directing the City Attorney and the Director of Finance to institute or cause to be instituted, and conduct or cause to be conducted, suits to collect delinquent real estate taxes and assessments by judicial sale.

(For full text of Resolution, see Resolution Book No. 64, Page 113.)

Mr. Hudson moved the adoption of Resolution No. 35205-020501. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

DIRECTOR OF FINANCE: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of December 2000.

Mr. Harris moved that the Financial Report be received and filed. The motion was seconded by Ms. Wyatt and unanimously adopted.

## REPORTS OF COMMITTEES:

**BUDGET-PARKS AND RECREATION-DISABLED PERSONS:** Council Member W. Alvin Hudson, Jr., Chairperson, Bid Committee, presented a written report on behalf of the Committee, in connection with bids received by the City for remodeling four City recreation centers (Mountain View, Buena Vista, Preston and Eureka) for compliance with the Americans with Disabilities Act.

The Bid Committee recommended the following actions:

Accept the bid submitted by JMW, Inc., in the amount of \$39,480.00, and 75 consecutive calendar days of contract time, with a project contingency of \$4,000.00, and provide \$4,200.00 for asbestos and lead abatement, \$180.00 for reproduction costs and \$360.00 for advertising fees.

Authorize the City Manager to execute the required contract since the contract is under \$75,000.00.

Transfer funding in the amount of \$48,220.00 to a new account to be established in the Capital Projects Fund entitled, "Remodel Recreation Centers".

Reject all other bids received by the City.

The City Manager submitted a written report concurring in the recommendation of the Bid Committee.

Mr. Hudson offered the following emergency budget ordinance:

(#35206-020501) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 General and Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book 64, Page 114.)

Mr. Hudson moved the adoption of Ordinance No. 35206-020501. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-PARKS AND RECREATION-DISABLED PERSONS: Council Member W. Alvin Hudson, Jr., Chairperson, Bid Committee, presented a written report on behalf of the Committee, in connection with bids received by the City for remodeling seven City park shelters (Thrasher, Golden, Fallon, Wasena, Strauss, Smith and Crystal Springs) in order to be in compliance with the Americans with Disabilities Act requirements.

The Bid Committee recommended the following actions:

Accept the bid submitted by Wyant Construction Co., Inc., in the amount of \$98,950.00, and 75 consecutive calendar days of contract time, with a project contingency of \$9,050.00, and provide \$5,000.00 for lead paint and asbestos abatement.

Authorize the City Manager to enter into a contractual agreement, in a form to be approved by the City Attorney.

Transfer funding of \$113,000.00 to a new account to be established in the Capital Projects Fund entitled, "Remodel Park Shelters for ADA Compliance".

Reject all other bids received by the City.

The City Manager submitted a written report concurring in the recommendation of the Bid Committee.

Mr. Hudson offered the following emergency budget ordinance:

(#35207-020501) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64, Page 115.)

Mr. Hudson moved the adoption of Ordinance No. 35207-02501. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

Mr. Hudson offered the following emergency ordinance:

(#35208-020501) AN ORDINANCE accepting the bid of Wyant Construction Co., Inc., for remodeling seven City park shelters (Thrasher, Golden, Fallon, Wasena, Strauss, Smith and Crystal Springs) to be in compliance with the Americans with Disabilities Act requirements, upon certain terms and conditions and awarding a contract □ identify; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64, Page 116.)

Mr. Hudson moved the adoption of Ordinance No. 35208-020501. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-CITY JAIL: Council Member W. Alvin Hudson, Jr., Chairperson, Bid Committee, submitted a written report on behalf of the Committee, in connection with bids received by the City for renovation of the existing public access elevator at the City Jail.

The Bid Committee recommended that Council accept the bid submitted by Construction Services of Roanoke, Inc., in the amount of \$128,000.00, and 90 consecutive calendar days for completion of the work, with a project contingency of \$11,340.00; authorize the City Manager to enter into a contractual agreement in a form to be approved by the City Attorney; transfer \$60,340.00 from Jail - Construction Other, Account No. 001-140-3310-9065; \$20,000.00 from Capital Improvement Reserve - Building, Account No. 008-052-9575-9173; and \$59,000.00 from Residential Detention Services, Account No. 001-121-2130-2008, to a new Capital Improvements Account to be established by the Director of Finance entitled, "Jail Elevator Renovation"; and reject the other bid received by the City.

The City Manager submitted a written report concurring in the recommendation of the Bid Committee.

Mr. Hudson offered the following emergency budget ordinance:

(#35209-020501) AN ORDINANCE to amend and reordain certain sections of the 2000-2001 General and Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book 64, Page 118.)

Mr. Hudson moved the adoption of Ordinance No. 35209-020501. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

Mr. Hudson offered the following emergency ordinance:

(#35210-020501) AN ORDINANCE accepting the bid of Construction Services of Roanoke, Incorporated, for renovation of the public access elevator at the City Jail, upon certain terms and conditions and awarding a contract ☐identifiy; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64, Page 119.)

Mr. Hudson moved the adoption of Ordinance No. 35210-020501. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

SIDEWALK/CURB AND GUTTER-WATER RESOURCES: Council Member Linda F. Wyatt, Chairperson, Water Resources Committee, presented a written report on behalf of the Committee, with regard to acquisition of property rights needed by the City for construction of sidewalk, curb and gutter between Aspen Street and Hersherberger Road, N. W.

A staff report advised that increased traffic along Cove Road, N. W., is creating concern for pedestrian safety which is likely to continue to increase; City staff has identified an area along Cove Road between Lafayette Boulevard and Hersherberger Road, N. W., that would benefit from construction of sidewalk, curb, and gutter; and last year, the section of sidewalk between Lafayette Boulevard and Aspen Street was completed.

It was further advised that plans for the proposed improvements have been finalized ☐identifying property rights that will be required for the section between Aspen Street and Hersherberger Road; authorization is needed to move forward with acquisition of the necessary property rights; new concrete sidewalks, entrances, curb and gutter improvements were approved as part of the 1996 bond issue; project costs for acquisition of property rights is estimated to be \$10,000.00; and sufficient funding is available in Sidewalk and Curbs, Phase 3, Account No. 008-052-9542-9050.

The Water Resources Committee recommended that the City Manager be authorized to execute the appropriate documents to acquire all property rights necessary for construction of the project, in a form to be approved by the City Attorney; and said property rights may be acquired, following a satisfactory environmental site inspection, by negotiation or eminent domain and include permanent easements, temporary construction easements, rights-of-way, licenses or permits, etc.

Mr. White offered the following emergency ordinance:

(#35211-020501) AN ORDINANCE providing for acquisition of certain property rights needed by the City for the Aspen/Hershberger portion of the Cove Road Sidewalk Project; setting a limit on the consideration to be offered by the City; providing for the City's acquisition of property rights by condemnation, under certain circumstances; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 64, Page 121.)

Mr. White moved the adoption of Ordinance No. 35211-020501. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Carder, Harris, Hudson, White, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY-WATER RESOURCES: Council Member Linda F. Wyatt, Chairperson, Water Resources Committee, presented a written report on behalf of the Committee, with regard to a report of the City Attorney on the sale of vacated right-of-way.



The City Attorney advised that from time to time, the City vacates all or portions of streets and alleys in the City which are no longer needed as public rights-of-way; the City makes no representations as to who obtains title to the right-of-way when it is vacated; normally, title vests to the center line of the right-of-way to the adjacent property owners; however, title can also vest in others, such as the original subdivider of the property that created the right-of-way, the subdivider's successors in interest, the City itself, or one or more of the adjacent property owners; and the result depends upon such factors as when the right-of-way was platted, how it was platted, whether or not it was created as part of a subdivision, whether the City paid for the right-of-way, and other factors.

He called attention to §15.2-2008, Code of Virginia, 1950, as amended, which provides as follows:

“Notwithstanding any contrary provision of law, general or special, any locality, as a condition to a vacation or abandonment, may require the fractional portion of its public rights-of-way and easements to be purchased by any abutting property owner. The price shall be no greater than the property's fair market value or its contributory value to the abutting property, whichever is greater, or the amount agreed to by the parties. No such vacation or abandonment shall be concluded until the agreed price has been paid. If any abutting property owner does not pay for such owner's fractional portion within one year, or other time period made a condition of the vacation or abandonment, of the local government action to vacate or abandon, the vacation or abandonment shall be void as to any such property owner.”

He further advised that this provision authorizes localities, as a condition to the vacation of a right-of-way, to require abutting property owners to pay the City a price “no greater than the property's fair market value or its contributory value to the abutting property, whichever is greater” (the values are often difficult to determine) or an amount otherwise agreed to by the parties; the abovementioned statute seems to presume that a locality has title to a vacated right-of-way, when, in fact, it might not; and since vacation of a right-of-way is discretionary with localities, this statute is used only in cases when a locality and the abutting property owners agree that consideration is to be paid and the amount is agreed upon.

The City Attorney further stated that he is of the opinion that requiring the abutting property owners to pay for vacated right-of-way should not be a standard practice, and should be required only in limited cases, such as where the vacated right-of-way is unusually valuable, or the abutting property owners would receive a windfall because they plan to sell the right-of-way, consolidate it with other parcels for development, or subdivision, etc.

The City Attorney recommended that City staff review each application to vacate right-of-way, and on a case-by-case basis, make a recommendation to Council whether the vacated right-of-way should be sold; and if it is deemed appropriate to sell the right-of-way, City staff and the abutting property owners should come to agreement as to the expected price before the matter is brought to Council for action.

Ms. Wyatt moved that Council concur in the recommendation of the City Attorney as above described. The motion was seconded by Mr. Harris and unanimously adopted.

**POLICE DEPARTMENT-EASEMENTS-UTILITIES-CITY PROPERTY-TELEPHONE COMPANIES:** Council Member Linda F. Wyatt, Chairperson, Water Resources Committee, presented a written report on behalf of the Committee, with regard to granting a 15-foot easement across City-owned property located at 348 Campbell Avenue, S. W., to Verizon Virginia, Inc., to install underground facilities for telephone service to the new Police Building.

The Water Resources Committee recommended that the City Manager be authorized to advertise a public hearing and, lacking any comments to the contrary, that Council authorize execution of the appropriate document, in a form to be approved by the City Attorney, granting a 15-foot easement across City-owned property to Verizon Virginia, Inc., for installation of underground facilities to provide telephone service to the new Police Building.

Ms. Wyatt moved that Council concur in the recommendation of the Water Resources Committee that a public hearing be held on Tuesday, February 20, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard. The motion was seconded by Mr. Harris and unanimously adopted.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTION: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAOR AND MEMBERS OF COUNCIL:

REFUSE COLLECTION-COMPLAINTS: Vice-Mayor Carder expressed concern with regard to the proliferation of paper boxes in the downtown area, specifically in the Historic District, and requested that the matter be referred to the City Manager and the City Attorney for review and report to Council.

CITY PROPERTY: Vice-Mayor Carder requested that an inventory be prepared listing all property owned by the City of Roanoke in the Roanoke Valley, including the location and proposed use of the property.

VIRGINIA MUNICIPAL LEAGUE-UTILITIES-ROANOKE GAS COMPANY: Council Member Bestpitch referred to a briefing that was held during the 2001 Virginia Municipal League Legislative Day on Thursday, February 1, 2001, in Richmond, Virginia, with regard to natural gas prices. He advised that the gas companies have indicated that they will work with citizens to establish a budget payment plan, gas companies are suspending any disconnection of gas at this time due to the severe winter season, and if any citizen is experiencing financial difficulty in paying their gas bill, they are encouraged to contact their local gas company to inquire about a budget payment plan.

CITY COUNCIL: Council Member Wyatt presented the following House Rules/Code of Conduct for Council:

Maintain confidentiality - the consequences of failing to maintain confidentiality following a Closed Meeting could result in public censure.

Focus on issues, with no personal attacks or stereotyping of the person.

Decide and move on to the next issue, with the understanding that four votes decide an issue.

Agree to disagree, but look for agreement first.

Focus on what is “best” for Roanoke and leave partisanship behind.

Be brief and concise in comments and avoid beating the “issue”.

Come to the City Council meeting prepared by studying the Council agenda and asking questions prior to the Council meeting.

Listen before judging and understand the other person’s point of view.

Treat all persons with respect, courtesy and fairness.

Share information and talk with all Members of Council.

Ms. Wyatt moved that Council adopt the above referenced House Rules/Code of Conduct. The motion was seconded by Mr. Carder.

Mr. Hudson expressed concern with regard to adopting the document. He stated that the citizens of Roanoke elected him to the position of Council Member, therefore, the citizens will let their voices be heard if they have concerns about the manner in which he conducts himself as Council Member.

Mr. Bestpitch suggested an editorial change to the document to delete the word “partisanism” and insert the word “partisanship”.

Ms. Wyatt and Mr. Carder accepted the editorial change as a friendly amendment to the motion.

Mr. White advised that for the ten years he has served on the Roanoke City Council, the contents of the document proposed by Ms. Wyatt are the rules that the Members of Council have abided by, therefore, he sees no need for the Council to adopt a formal written document.

Vice-Mayor Carder advised that Council discussed its rules of conduct at the Council's Planning Retreat which was held in July 2000 and agreed to certain professional behavior that all Members of Council will honor when transacting the business of the City.

Following further discussion, the motion, as amended, was adopted by the following vote:

AYES: Council Members Carder, Harris, Wyatt, Bestpitch and Mayor Smith-----5.

NAYS: Council Members Hudson and White-----2.

OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that City Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred for any necessary and appropriate response, recommendation or report to Council.

COMMITTEES--COMMUNITY PLANNING: Ms. Helen E. Davis, 35 Patton Avenue, N. W., spoke in support of the reappointment of Ms. Barbara N. Duerk as a member of the City Planning Commission. She advised that Ms. Duerk is articulate, courteous, respectful, strong, dedicated, energetic and an honest business woman. She stated that Mr. Duerk is a true advocate for Roanoke's bike plan and the Roanoke Valley greenways, and requested that Council reconsider her reappointment for another three year term on the City Planning Commission.

Ms. Fredrika Monk, 3343 Pittsfield Circle, N. W., spoke in support of the reappointment of Ms. Duerk to the City Planning Commission. She referred to Ms. Duerk's community pride and knowledge of the Roanoke area which is an asset to any person who serves on the City Planning Commission.

Ms. Pernella C. Wilson, 3045 Willow Road, N. W., spoke in support of the reappointment of Ms. Duerk to the City Planning Commission. She stated that as an official of the Southern Christian Leadership Conference (SCLC), she received approximately 60 telephone calls from citizens expressing a concern over the decision of Council not to reappoint Ms. Duerk and asked that Council give further consideration to her reappointment.

Ms. Wilson also advised that she regretted that Mr. Angela Norman felt compelled to stand before Council once again and restate the same concerns that she expressed when the SCLC was instrumental in bringing representatives of the U. S. Department of Labor to the City of Roanoke to investigate issues of employment discrimination. She further advised that people in the City of Roanoke, both black and white and specifically white females, continue to be the subject of discrimination.

The Mayor called attention to a recent inaccurate newspaper article and clarified that the decision not to reappoint Ms. Durek to the City Planning Commission was made by the entire City Council and not solely by the Mayor.

At 5:50 p.m., the Mayor declared the meeting in recess for continuation of a Closed Meeting.

At 6:45 p.m., the meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, except Council Members Bestpitch, Wyatt and Mayor Smith who left the meeting during the Closed Session, with Vice-Mayor Carder presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Harris moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in my motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. White and adopted by the following vote:

AYES: Council Members Harris, Hudson, White and Vice-Mayor Carder----4.

NAYS: None-----0.

(Council Members Bestpitch, Wyatt and Mayor Smith were absent.)

OATHS OF OFFICE-COMMITTEES-HOUSING/AUTHORITY: The Vice-Mayor advised that there is a vacancy on the Fair Housing Board created by the ineligibility of G. David Nixon to serve another term, and called for nominations to fill the vacancy.

Mr. White placed in nomination the name of Robert J. Sparrow.

There being no further nominations, Mr. Sparrow was appointed as a member of the Fair Housing Board, for a term ending March 31, 2003, by the following vote:

FOR MR. SPARROW: Council Members Harris, Hudson, White and Vice-Mayor Carder-----4.

(Council Members Bestpitch, Wyatt and Mayor Smith were absent.)

OATHS OF OFFICE-COMMITTEES-INDUSTRIES: Mr. Harris offered the following resolution appointing Thomas Pettigrew as a Director of the Industrial Development Authority of the City of Roanoke, for a term ending October 20, 2004:

(#35212-020501) A RESOLUTION appointing a Director of the Industrial Development Authority of the City of Roanoke, to fill a four year term on its Board of Directors.

(For full text of Resolution, see Resolution Book No. 64, Page 122.)

Mr. Harris moved the adoption of Resolution No. 35212-020501. The motion was seconded by Mr. White and adopted by the following vote:

AYES: Council Members Harris, Hudson, White and Vice-Mayor Carder----4.

NAYS: None-----0.

(Council Members Bestpitch, Wyatt and Mayor Smith were absent.)

OATHS OF OFFICE-COMMITTEES-YOUTH: The Vice-Mayor advised that there is a vacancy on the Youth Services Citizen Board, due to the eligibility of Gwendolyn J. Lawrence to serve another term, and called for nominations to fill the vacancy.

Mr. Harris placed in nomination the name of Clay Wyatt.

There being no further nominations, Mr. Wyatt was appointed as a member of the Youth Services Citizen Board, for a term ending May 31, 2003, by the following vote:

FOF MR. WYATT: Council Members Harris, Hudson, White and Vice-Mayor Carder-----4.

(Council Members Bestpitch, Wyatt and Mayor Smith were absent.)

OATHS OF OFFICE-COMMITTEES-FIFTH PLANNING DISTRICT COMMISSION: The Vice-Mayor advised that there is a vacancy on the Roanoke Valley-Allegheny Regional Commission, due to the eligibility of J. Lee E. Osborne to serve another term and called for nominations to fill the vacancy.

Mr. Harris placed in nomination the name of Darlene L. Burcham, City Manager.

There being no further nominations, Ms. Burcham was appointed as a member of the Roanoke Valley-Allegheny Regional Commission, for a term ending June 30, 2003, by the following vote:

FOR MS. BURCHAM: Council Members Harris, Hudson, White and Vice-Mayor Carder-----4.

(Council Members Bestpitch, Wyatt and Mayor Smith were absent.)



OATHS OF OFFICE-COMMITTEES-ARCHITECTURAL REVIEW BOARD: The Vice-Mayor advised that there is a vacancy on the Architectural Review Board created by the expiration of the term of office of David L. Bandy, and called for nominations to fill the vacancy.

Mr. White placed in nomination the name of Robert N. Richert.

There being no further nominations, Mr. Richert was appointed as a member of the Architectural Review Board, for a tem ending October 1, 2004, by the following vote:

FOR MR. RICHERT: Council Members Harris, Hudson, White and Vice-Mayor Carder-----4.

(Council Members Bestpitch, Wyatt and Mayor Smith were absent.)

OATHS OF OFFICE-COMMITTEES-LEAGUE OF OLDER AMERICANS: The Vice-Mayor advised that there is a vacancy on the League of Older Americans, Board of Directors, created by the expiration of the term of office of Helen J. Hall, and called for nominations to fill the vacancy.

Mr. Harris placed in nomination the name of Vickie S. Briggs.

There being no further nominations, Ms. Briggs was appointed as the City's representative to the League of Older Americans, Board of Directors, for a term ending February 28, 2002, by the following vote:

FOR MS. BRIGGS: Council Members Harris, Hudson, White and Vice-Mayor Carder-----4.

(Council Members Bestpitch, Wyatt and Mayor Smith were absent.)

534

There being no further business, the Vice-Mayor declared the meeting adjourned at 6:50 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker  
City Clerk

Ralph K. Smith  
Mayor

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